

EXCERPTS FROM EQUITY HEARING:

JEFFREY B. MILLER

Miller - Direct

1 BY MS. FORNEY: the end of that six month period, it is

2 Q Let me ask you to talk about the retroactive component
3 of reinstatement. I believe you said it would -- you talked
4 about how it would affect her back pay. n. the Commonwealth

5 then is pre Is it your understanding that her retirement
6 credits would be restored? immediately.

7 A Yes. It is my understanding that her retirement
8 credits would be restored. It would be as if she never
9 separated from Commonwealth service for any length of time.

10 Q What is your understanding about how it would affect
11 your employment records? corrections. I am handing you a

12 A Her employment records would be purged to the degree
13 that there would be no coding or any other information that
14 would indicate she separated from Commonwealth service at any
15 time. MR. PRINGLE: It is. I am sorry. I apologize.

16 Q MS What is the Commonwealth prepared to do prospectively
17 with regard to Ms. Wilhelm's reinstatement? me?

18 A The Commonwealth is willing to offer a position as a
19 Deputy Press Secretary within the Department of Corrections.
20 During the first six months of that employment, as I stated
21 earlier, the State Police would pay the costs of salary,
22 benefits, etcetera; however, the State Police would have no
23 role whatsoever in the supervision, direction or in any other
24 capacity manage the day-to-day employment operations of Ms.
25 Wilhelm in any way, shape or form. be restored?

Miller - Direct

1 A She At the end of that six month period, it is the same
2 extremely likely that that would be the position that Ms.
3 Wilhelm would hold going forth into the future. However, if
4 that wouldn't happen for whatever reason, the Commonwealth
5 then is prepared to make a guarantee of finding comparable on
6 state employment for her immediately. from a salary basis.

7 Q You (Job Description for DOC's Information Specialist
8 was introduced as Defendant Exhibit 94.)

9 BY MS. FORNEY: as.

10 Q Now you mentioned a job as a Deputy Press Secretary
11 with the Department of Corrections. I am handing you a
12 document which has been marked Defendant Exhibit 94. have you

13 not? MR. PRINGLE: I don't have a copy of that.

14 A Yes, MS. FORNEY: It is among your documents.

15 Q Would MR. PRINGLE: It is. I am sorry. I apologize.

16 BY MS. FORNEY: Ms. Wilhelm?

17 Q Could you identify this document for me? been

18 A Yes. It is a job description for the office -- or
19 excuse me -- the position of Deputy Press Secretary within
20 the Press Office in the Department of Corrections. He is

21 Q And is this the position that you were referring to over
22 that the Commonwealth would be willing to reinstate Ms.
23 Wilhelm to prospectively? this job description.

24 A Yes, it is. PRINGLE: Your Honor, he hasn't testified that

25 Q And at what salary would she be restored?

176.

Miller - Direct

1 A She would be restored at the same salary with the same
2 benefits that she had on May 1st, 2000.

3 Q And would that salary reflect any increases that she
4 would have received had she remained employed?

5 A Yes, it would. It would take her from where she was on
6 May 1st, 2000 and bring her up-to-date from a salary basis.

7 Q You were Ms. Wilhelm's supervisor for several months;
8 were you not?

9 A Yes, I was.

10 Q You have been in attendance at the trials and hearings
11 held in this case and have heard Ms. Wilhelm testify
12 regarding her prior job experience and her skills; have you
13 not?

14 A Yes, I have.

15 Q Would you tell me why you think this job would be
16 appropriate to Ms. Wilhelm?

17 MR. PRINGLE: Objection. He has not been
18 established as an expert on resource matters or able to
19 analyze job descriptions or analyze Ms. Wilhelm's resume.

20 THE COURT: It doesn't require an expert. He is
21 asked with his knowledge, his experience and supervision over
22 the plaintiff as to why he thinks her skills that he has
23 observed would fit within this job description.

24 MR. PRINGLE: Your Honor, he hasn't testified that
25 he is familiar with the job itself.

177.

Miller - Direct

1 THE COURT: Can you establish whether he knows
2 anything about the job description or is familiar with that
3 job?

4 BY MS. FORNEY:

5 Q Sir, have you reviewed this job description?

6 A Yes, I have.

7 THE COURT: I think he needs a little more than
8 just reviewing it. Is he familiar with any facet of the
9 position?

10 BY MS. FORNEY:

11 Q Do you have any familiarity with the position?

12 A I do from the sense that I have a Press Secretary
13 within the Pennsylvania State Police who reports directly to
14 me. I have been familiar with working with Press Secretaries
15 within the Governor's Office over the last several years.

16 Q In reviewing this job description, does it appear to
17 correspond with the sort of duties that you have experienced
18 Deputy Press Secretaries performing?

19 A It does.
20 THE COURT: Go ahead.

21 BY MS. FORNEY:

22 Q If you recall my question, you may answer.

23 A I think I do. Basically in reviewing the job
24 description for the Deputy Press Secretary, in my opinion, I
25 think it is a position that does suit Ms. Wilhelm's skills.

Miller - Direct

1 In my observation of her employment with the Department, she
2 is extremely good at expressing things verbally. She works
3 well in analyzing information. This job requires those two
4 things.

5 Q But She is also very skilled with computer
6 technology. She enjoys that part of the work as she has
7 relayed to me in the past. I have seen her put on training
8 seminars using computer equipment and Power Point
9 presentations. She is very good at that. She seems to enjoy
10 doing that.

11 And much of what the job would entail would be
12 collating information, looking at the website within the
13 Department of Corrections and making content changes and
14 suggestions for improvements, writing news releases,
15 preparing informational packages for distribution to the
16 press, setting up press conferences and releases, working in
17 support of the Secretary of Corrections in defining issues
18 and press strategies for dealing with issues and topics that
19 would come to light, and standing in for the Press Secretary
20 in meetings with executives within the Department of
21 Corrections.

22 the record All of these things I believe in my observations
23 of Ms. Wilhelm are things that she would do well.

24 Q Now you mentioned in your testimony that while she
25 worked -- if she chose to work in this job at the Department

Miller - Cross

1 A No, sir. he first six months, thereby relieving the

2 Q Why is that? be the agency where Ms. Wilhelm would be

3 A Because she would be working for the Department of hat
4 Corrections. able before we actually found the right position,

5 Q But you would be paying her salary?

6 A For a period of six months. That is only a clerical
7 function if you will. We have no oversight, and there would
8 be no change in her employment status because of that fact.

9 Q And why is it that you are limiting this to six months?

10 A Why is it that we are limiting our particular portion
11 of this part to six months, is that what you are asking me?

12 Q Yes. eation would come out of the State Police budget in

13 A Because initially, we had made numerous attempts with of
14 the Office of Administration previously to try to find a
15 comparable job that would fit Ms. Wilhelm's skills. We did of
16 not have the level of cooperation that I hoped we would have
17 at the end of the previous administration. nd purpose.

18 Q Why I think because people did not want to make pay
19 commitments for positions at the end of an administration.
20 That somewhat hampered our ability to proceed.

21 Q Why The new administration just took over. I think
22 the record reflects the fact that we have moved very quickly
23 with the new administration. But one of the things we wanted
24 to do before we identified the appropriate position was make
25 an offer that the State Police would pay the salary and pay to

Miller - Cross

1 benefits for the first six months, thereby relieving the
2 agency that would be the agency where Ms. Wilhelm would be
3 placed from that responsibility up front. We just put that
4 out on the table before we actually found the right position,
5 and this position specifically.

6 Once we found this position, we didn't want to
7 renege on anything we put out on table. But it is my
8 understanding that the Department of Corrections, should that
9 be the place where she ultimately is placed and stays, would
10 pick that -- they have a vacancy that they would be paying
11 for anyway. It just so happens that the first six months of
12 the compensation would come out of the State Police budget in
13 the overall Commonwealth scheme rather than the Department of
14 Corrections budget.
15 It would be as if she worked for the Department of
16 Corrections and was being paid and compensated by the
17 Department of Corrections for all intent and purpose.

18 Q Why doesn't the Department of Corrections want to pay
19 for the first six months?

20 A I'm sorry?

21 Q Why doesn't the Department of Corrections want to pay
22 for the first six months?

23 A I am not sure that they don't want to pay for the first
24 six months. I am just saying to you, sir, when we approached
25 the new administration, we made an offer kind of as a way to

Miller - Cross

1 say hey, we want you to take a look at what we're trying to
2 do here. If you have a comparable position that we believe
3 is and our human resources folks on all ends of the spectrum
4 think is comparable, then we would be happy to pay that for
5 the first six months. No other questions, Your Honor.

6 We just made that as an offer before we had the
7 appropriate position. It is not to me -- to my knowledge, it
8 is not that the Department of Corrections doesn't want to pay
9 it. In fact, they may very well want to pay it.

10 I think they were going to fill this position one
11 way or another and would have been paying for it anyway. It
12 is not really that it is a huge difference for them. But she
13 would be working for that first six months just on the
14 clerical bookkeeping side of it, we would be paying the
15 salary. But we wouldn't have any supervisory authority or
16 her position wouldn't change in any way because of that.

17 Q Isn't the Deputy Press Secretary a very sensitive
18 position for an agency? a position with another state agency,

19 A What do you mean by sensitive? know -- how would

20 Q Wouldn't the agency want to know who is coming in
21 there, know more, have information about that person, have a
22 chance to interview before they commit to accepting an
23 employe as a Deputy Press Secretary? -- how would Ms. Wilhelm

24 A Well, Ms. Wilhelm's resume and background is extremely
25 good. When they looked at it, they were comfortable that she